

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 441 be amended to read as follows:

- 1 Page 79, between lines 13 and 14, begin a new paragraph and insert:
- 2 "SECTION 55. IC 6-9-19-1, AS AMENDED BY P.L.170-2002,
- 3 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 1. This chapter applies to ~~a county having a~~
- 5 ~~population of more than one hundred eighty-two thousand seven~~
- 6 ~~hundred ninety (182,790) but less than two hundred thousand~~
- 7 ~~(200,000). Elkhart County.~~
- 8 SECTION 56. IC 6-9-19-2, AS AMENDED BY P.L.73-1999,
- 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 UPON PASSAGE]: Sec. 2. As used in this chapter:
- 11 "Fiscal body" and "executive" have the same meanings that are
- 12 prescribed by IC 36-1-2.
- 13 "Gross retail income" and "person" have the same meanings that are
- 14 prescribed by IC 6-2.5-1.
- 15 **"Event" means an activity that:**
- 16 **(1) has a stated, definite duration;**
- 17 **(2) is designed to promote tourism and economic**
- 18 **development;**
- 19 **(3) requires the construction of temporary structures; and**
- 20 **(4) is reasonably expected to attract visitors to the county.**
- 21 **An event is not a tourist attraction for purposes of section 4 of**
- 22 **this chapter.**
- 23 SECTION 57. IC 6-9-19-3 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The fiscal body of a county may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

- (1) hotel;
- (2) motel;
- (3) inn; or
- (4) tourist cabin;

that has thirty (30) or more rooms for rent and is located in the county.

(b) The tax does not apply to gross income received in a transaction in which:

- (1) a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county; or
- (2) a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

(c) **Except as provided in subsection (g)**, the tax may not exceed the rate of five percent (5%) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5.

(d) The county fiscal body may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(e) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this section except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. If the tax is paid to the department of state revenue, the return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

(f) If the tax is paid to the department of state revenue, the taxes the department of state revenue receives under this section during a month shall be paid, by the end of the next succeeding month, to the county treasurer upon warrants issued by the auditor of state.

(g) In addition to the rate authorized by subsection (c), the county fiscal body may adopt an ordinance to increase the tax by

an additional rate of two percent (2%) on the gross income derived from lodging income only, up to a maximum rate of seven percent (7%), to provide funds for the purposes described in section 6(b) of this chapter.

(h) A tax rate imposed under subsection (g) may not be imposed for a time greater than is necessary to pay:

(1) costs incurred in producing the event, including the construction, acquisition, enlargement, and equipping of facilities used for production of the event; or

(2) payments pledged by the commission to any obligation of the commission entered into for the purposes described in section 6(b) of this chapter.

(i) The county fiscal body may not take action to rescind the tax imposed under subsection (g) as long as any obligation described in subsection (h)(2) is unpaid.

SECTION 58. IC 6-9-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~If a tax is levied under section 3 of this chapter;~~ (a) The county treasurer shall establish a convention and visitor promotion fund ~~He and~~ shall deposit in this fund all amounts ~~he receives~~ received under ~~that~~ section 3 of this chapter. Money in this fund may be expended only to promote and solicit conventions, trade shows, **tourism, an event**, and visitors within the county. **Except as provided in subsection (b),** money in this fund shall not be expended, directly or indirectly, for any type of capital improvement nor to finance any type of tourist attraction.

(b) The county treasurer shall establish an account of the fund into which all revenues received from the imposition of the additional tax rate under section 3(g) of this chapter shall be deposited. Money in the account may only be expended to pay:

(1) costs incurred in producing the event, including the construction, acquisition, enlargement, and equipping of facilities used for production of the event;

(2) payments pledged by the commission to any obligation of the commission entered into for the purposes described in subdivision (1); or

(3) any combination of the purposes described in subdivisions (1) and (2).

The commission has the sole authority to allocate and disburse money from the account.

SECTION 59. IC 6-9-19-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The commission may:

(1) accept and use gifts, grants, and contributions from any public

or private source, under terms and conditions that the commission considers necessary and desirable;

(2) sue and be sued;

(3) enter into contracts and agreements;

(4) make rules necessary for the conduct of its business and the accomplishment of its purposes;

(5) receive and approve, alter, or reject requests and proposals for funding by corporations qualified under subdivision (6);

(6) after its approval of a proposal, transfer money, quarterly or more frequently, from the fund established under section 4 of this chapter to any Indiana not-for-profit corporation to promote and solicit conventions, trade shows, **tourism, an event**, or visitors in the county; and

(7) require financial or other reports for any corporation that receives funds under this chapter.

(b) In addition to the powers described in subsection (a), the commission may:

(1) pay costs incurred in producing the event, including the construction, acquisition, enlargement, and equipping of facilities used for production of the event;

(2) pledge revenues from the tax rate imposed under section 3(g) of this chapter to any obligations of the commission entered into to pay costs incurred under subdivision (1); and

(3) enter into an agreement under which amounts deposited in or to be deposited in the account established under section 4(b) of this chapter are pledged to the payment of obligations described in subdivision (2).

(c) All expenses of the commission shall be paid from the fund established under section 4 of this chapter. The commission shall annually prepare a budget, taking into consideration the recommendations made by a corporation qualified under subsection (a)(6), and submit it to the county fiscal body for its review and approval. **Except as provided in section 4(b) of this chapter**, an expenditure may not be made under this chapter unless it is in accordance with an appropriation made by the county fiscal body in the manner provided by law.

SECTION 60. IC 6-9-19-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. With respect to obligations to which the commission has pledged revenues under this chapter, the general assembly covenants with the commission and the purchasers or owners of the obligations described in this section that this chapter will not be repealed or amended in any manner that will adversely affect the collection of the tax imposed under this**

chapter or the money deposited in the convention and visitor promotion fund as long as the principal of or interest on any obligations are unpaid."

Page 92, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 83. [EFFECTIVE UPON PASSAGE] **The general assembly finds that Elkhart County is unique and needs special consideration under IC 6-9-19, as amended by this act, because:**

(1) the county desires to provide a unique event that is reasonably expected to attract visitors to the county and to Indiana during the period from Thanksgiving through New Year's Day of each year, a time during which those visitors would not otherwise be expected to come to the county or Indiana;

(2) the event is reasonably expected to attract an estimated two hundred fifty thousand (250,000) visitors to the county, who are reasonably expected to spend an estimated six million dollars (\$6,000,000) in the county, based on studies prepared for the commission established under IC 6-9-19-5;

(3) the event is reasonably expected to provide a direct economic benefit of at least ten million dollars (\$10,000,000) to the county;

(4) the event is reasonably expected to promote employment opportunities for residents of the county and of Indiana;

(5) the county's geographic location is reasonably expected to enable visitors from several states to travel easily to the county for the event; and

(6) the event is reasonably expected to provide economic development benefits for the county and Indiana, as measured by:

(A) increased seasonal, temporary, and permanent employment;

(B) increased sales, income, and excise tax revenues received by the county and the state;

(C) improved diversity of the economy in the county; and

(D) other public and economic benefits accruing to the county, the region, and Indiana."

Renumber all SECTIONS consecutively.

(Reference is to ESB 441 as printed February 20, 2004.)

Representative Friend